

STATE OF TENNESSEE
Chancery Court of Claiborne County
At Tazewell

COPY

CITY OF TAZEWell
Plaintiff

vs.

BEALL MEDICAL CLINIC LLC
Defendant

Case No. 19374

"SUMMONS"

Beall Medical Clinic, LLC
Tiffany Osborne, Registered Agent
1570 N. Broad Street
Tazewell, Tennessee 37879

You are hereby summoned and required to serve upon David H. Stanifer, Petitioner's attorney, whose address is P.O. Box 217, Tazewell, TN 37879, an answer to the Complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Issued this 9 day of September, 2019 at 3:35 o'clock p.m.

Witness Rita Jones, Clerk of said court, at office this 9 day of September 2019.

Rita Jones, C&M

By: C. Jones Deputy Clerk

NOTICE TO THE DEFENDANT Tennessee law provides a Four Thousand Dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filled at any time and may be changed by you thereafter as necessary, however, unless it is filled before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Received this _____ day of _____, 20____.

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 20____, I served this summons together with the Complaint, as follows: _____

Failed to serve this summons within 30 days after its issuance because _____

Sheriff/ Deputy Sheriff

(THIS SUMMONS IS ISSUED PURSUANT TO RULE 4 OF THE TENNESSEE RULES OF CIVIL PROCEDURE)

EXHIBIT

A

IN THE CHANCERY COURT FOR CLAIBORNE COUNTY, TENNESSEE

AT TAZEWELL

CITY OF TAZEWELL

Plaintiff

vs.

Case No. 19374

BEALL MEDICAL CLINIC, LLC

Defendant

COMPLAINT

Comes your Plaintiff, City of Tazewell, and would show unto this Honorable Court as follows:

1. Your Plaintiff, City of Tazewell, is a duly incorporated city recognized in the State of Tennessee.

2. Your Defendant, Beall Medical Clinic, LLC, is a Kentucky entity established to do business in the state of Tennessee through the Tennessee Secretary of State as a limited liability company, with its principal address at 1570 N. Broad Street, Tazewell, Claiborne County, Tennessee 37879, and is subject to personal service of process through its registered agent, Tiffany Osborne, at 1570 N. Broad Street, Tazewell, Claiborne County, Tennessee 37879.

3. The City of Tazewell, through its duly passed ordinances, and more particularly Ordinance 305 sets forth that 'pain management and/or drug rehabilitation clinic or facility must establish said business in what is zoned as a M1 Industrial District'. Said Ordinance 305 is attached hereto as "Exhibit 1".

FILED
THIS 9 DAY OF Sept, 2016
AT 3:35 AM EM
Rita Jones, C & M

In addition to this Ordinance violation, a pain management and/or drug rehabilitation clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on or off premises consumption; and, there are two (2) such facilities that have been issued licenses in the City of Tazewell and are well within the one thousand (1,000) foot distance. In addition of violation of said ordinance, pain management and/or drug rehabilitation clinic or facility shall not be less than one thousand (1,000) feet from any residential or business zoning district; and, therefore, they are in violation of the ordinance.

4. Your Plaintiff would show that based upon the Defendant's own website and the investigation by the Plaintiff, it is in violation of the City of Tazewell Ordinances. Copy of website is attached hereto as "Exhibit 2".

5. Your Plaintiff would further show that due notice was given by a letter served upon Defendant on July 12, 2019, along with the Ordinances being violated and the same is attached hereto as "Exhibit 3"

6. Your Plaintiff is filing this Complaint to enjoin and abate not only a violation of the Tazewell Ordinances, but a nuisance created by Defendant.

7. Your Plaintiff would further show that attached hereto as "Exhibit 4" is the zoning map approved by the City of Tazewell that all businesses and residences are required to abide by.

8. Your Plaintiff would show that there is a strong *prima facie* case based upon the facts that the Defendant is in violation of the city of Tazewell Ordinances

and must be enjoined in order to maintain the integrity of the ordinances of the City of Tazewell and to protect all businesses, residences and everyone that is in proper compliance with our zoning laws.

9. Your Plaintiff is requesting that the Court issue an appropriate Order upon a hearing in this cause to enjoin Defendant and the same be made permanent.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:

A. That process be issued and served upon the Defendant of this Complaint and it be required to file an answer hereto within thirty (30) days.

B. That the Court issue appropriate injunctive relief, either temporary or permanent.

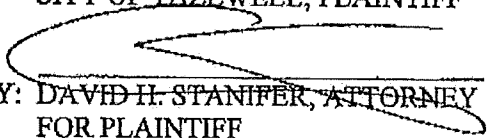
C. That the Plaintiff be awarded reasonable attorney fees, discretionary costs and the costs of this cause.

D. For general relief.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS
IN THIS CAUSE.

This 5th day of Sept, 2019.

CITY OF TAZEWell, PLAINTIFF

BY:  DAVID H. STANIFER, ATTORNEY
FOR PLAINTIFF

STANIFER AND STANIFER;

DAVID H. STANIFER, BPR # 010116
Attorney for City of Tazewell
P.O. Box 217, 1735 Main Street
Tazewell, Tennessee 37879
(423) 626-7223

STATE OF TENNESSEE
COUNTY OF CLAIBORNE

DAVID H. STANIFER, after being duly sworn according to law, makes oath that he is the attorney representing the Plaintiff, City of Tazewell., in this cause; that he has investigated the facts as set out in the foregoing Complaint and that the statements contained therein are true to the best of his knowledge, information and belief.

DAVID H. STANIFER

Sworn to and subscribed before me this 5th day of Sept., 2019.

Jamie M. Sweet
Notary Public

My Commission Expires:

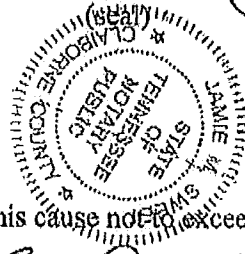
5/29/2022

COST BOND

We acknowledge ourselves surety for the costs in this cause not to exceed the sum of One Thousand (\$1,000.00) Dollars.

Stanifer and Stanifer

David H. Stanifer



ORDINANCE 305

AN ORDINANCE AMENDING THE M-1, INDUSTRIAL DISTRICT WITHIN THE
TAZEWELL, TENNESSEE ZONING CODE, AS AMENDED

WHEREAS, The Tazewell Mayor and Board of Aldermen, in accordance with Section 13-7-204 of the Tennessee Code Annotated, may amend the zoning ordinance and the zoning map of Tazewell, Tennessee;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Tazewell, Tennessee:

Section 1. Chapter 4, Section 11-406, M-1, Industrial District, (2) Uses and structures permitted on review, of the Zoning Code, as amended, is hereby amended by replacing Section 11-406(2)A. Methadone Treatment Clinic or Facility in entirety with the following:

(A) Pain Management and/or Drug Rehabilitation Clinic or Facility.

- (1) The consideration for approval of a pain management and/or drug rehabilitation clinic or facility by the planning commission shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.
- (2) Maps showing existing land use and zoning within one quarter (1/4) mile of the proposed site should be submitted with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the planning commission for use in making a thorough evaluation of the proposal.
- (3) The pain management and/or drug rehabilitation clinic or facility shall be located on and have access to a street designated as an arterial or major collector on the Major Road Plan for the Town of Tazewell.
- (4) Buffer zones shall be observed around certain uses. Measurement shall be made in a straight line on the Tazewell Zoning Map from the nearest property line of the lot on which the pain management and/or drug rehabilitation clinic or facility is situated to the nearest property line of the following uses, including uses located outside the corporate boundaries of the Town of Tazewell.
 - a. The pain management and/or drug rehabilitation clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, synagogue, mosque, mortuary, or hospital.
 - b. The pain management and/or drug rehabilitation clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on- or off-premises consumption.
 - c. The pain management and/or drug rehabilitation clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreational activity.
 - d. The pain management and/or drug rehabilitation clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.

EXHIBIT

- e. The pain management and/or drug rehabilitation clinic or facility shall not be less than one thousand (1,000) feet from any residential or business zoning district at the time of approval.
- f. The pain management and/or drug rehabilitation clinic or facility shall not be less than one thousand (1,000) feet from any residential dwelling at the time of approval.
- g. The site shall not be less than one-half (1/2) mile from any other pain management and/or drug rehabilitation clinic or facility.

Section 2. Chapter 2, Section 11-203, Definitions, of the Zoning Code is amended by the deletion of the following terms and definitions:

(26.02) Medical Clinic. A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility as defined by the Town of Tazewell Zoning Ordinance.

(26.03) Methadone Treatment Clinic or Facility. A licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic as defined by the Town of Tazewell Zoning Code.

Being replaced with the following:

(26.02) Medical Clinic. A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a pain management and/or drug rehabilitation clinic or facility as defined by the Town of Tazewell Zoning Ordinance.

(32.01) Pain Management and/or Drug Rehabilitation Clinic or Facility. A licensed facility for counseling of patients and the distribution of drugs for out-patient, non-residential purposes only. A pain management and/or drug rehabilitation clinic or facility is not a medical clinic as defined by the Town of Tazewell Zoning Code.


Section 3. This ordinance shall take effect following its final passage, the public welfare requiring it.

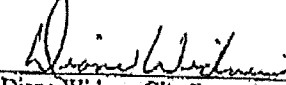
Approved by Planning Commission May 3, 2016

Passed on First Reading May 10, 2016

Public Hearing held June 14, 2016

Passed on Second Reading June 14, 2016


Wayne Jessie, Mayor


Diane Widner, City Recorder



III

ABOUT US

It is the vision of Beall Recovery Centers to provide a compassionate, supportive environment for those suffering the painful cycle of opioid addiction. BRC assists opioid dependent patients in reclaiming their lives from the grips of addiction. It is our purpose to help improve the lives of our patients on a one-to-one basis. We can effectively counteract the destructive effects of opioid dependency to the individual, their families and ultimately the communities in which they live.

Our Medication Therapy Program provides opioid replacement therapy, known as MAT (or Medication Assisted Treatment), in a safe and friendly environment that is focused on recovery, relapse prevention, and a lasting return to a drug-free life, one free from all opioids, including the medications we provide.

We help our patients achieve the lives they want and deserve, and every patient is treated with respect and compassion – always. Begin your



journey to recovery and reclaim your life.

GET STARTED (/getting-started/)

BEALL RECOVERY LOCATIONS

Cynthiana

1134 KY Hwy 27 S

Cynthiana, KY 41031

☎ 859-234-9799 (tel:18592349799)

📠 859-234-9858

Lexington

112 West High St.

Lexington, KY 40507

☎ 859-385-4093 (tel:18593854093)

Tazewell, TN

1530 N. Broad Street

Tazewell, TN 37879

☎ 423-419-5049 (tel:14234195049)

📠 423-973-3574

Winchester

1145 W Lexington Ave, Suite C

Winchester, KY 40391

☎ 859-385-4093 (tel:18593854093)

📠 859-355-5368

7/26/2019



Getting Started - Beall Recovery Centers

GETTING STARTED: RECLAIM YOUR LIFE

We provide addiction treatment on an appointment basis that is convenient and effective. You don't need to have all the answers. You just need to be ready to make a change. Our team of experts will be at your side to support you every step of the way and will develop a treatment program tailored specifically to what you need.

Find Your Nearest BRC (/locations/)

STEP 1: CONTACT US

Call our toll-free line at (844) 383-4093 (tel: 18443834093) and our Intake specialists will help to schedule you an appointment. Please have the following information ready:

- Your primary care doctor's name and contact information. Depending on your insurance, you may need a referral from your doctor before beginning treatment
- Social security number
- Mailing address
- Phone number (or the phone number of someone who can easily reach you)

STEP 2: INTAKE

Intake is your first appointment. You'll meet with our Intake & assessment coordinators who will speak with you initially. Then our physicians will assess your medical, psychosocial and drug use history to learn more about your addiction and

7/26/2019



Getting Started - Beall Recovery Centers

treatment needs. This will ensure that we put together a recovery plan that's right for you, specific to your addiction and recovery goals.

- Please arrive 15 minutes early to fill out your Intake packet
- Be sure to bring your photo ID

III

STEP 3: BEGIN TREATMENT

Induction typically takes place the day after your intake appointment. This is when we'll help you transition from the substance to which you're addicted, to the medicine that will help your recovery.

Instead of a lengthy and expensive inpatient stay, all of our services are provided on an outpatient basis enabling you to meet your work, family and relationship commitments while you go through this process.

STEP 4: STABILIZATION & RECOVERY

While the medication prescribed works to resolve the physical symptoms, you'll have weekly access to group therapy sessions to help you uncover the cause of your addiction and learn new coping skills as you gradually move from your current level of addiction to being completely drug or alcohol-free.

We provide patients with educational counseling about the dynamics of addiction and the processes of recovery and referral to individual and family therapy is also available.

When you and your provider decide you are ready, we will slowly reduce your dosage as well as the frequency of your appointments over a period of time that feels comfortable for you. Remember though, you'll always have access to the long-term resources and support you need to build a new life for yourself; one that is healthy and clean.

7/28/2019



Getting Started - Beall Recovery Centers

BEALL RECOVERY LOCATIONS

Cynthiana

1134 KY Hwy 27 S

Cynthiana, KY 41031

☎ 859-234-9799 (tel:18592349799)

📠 859-234-9858

Lexington

112 West High St.

Lexington, KY 40507

☎ 859-385-4093 (tel:18593854093)

Tazewell, TN

1830 N. Broad Street

Tazewell, TN 37879

☎ 423-419-5049 (tel:14234195049)

📠 423-973-3574

Winchester

1145 W Lexington Ave, Suite C

Winchester, KY 40391

☎ 859-385-4093 (tel:18593854093)

📠 859-355-5368

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David H. Stanifer
Neal W. Stanifer
of Counsel

STANIFER AND STANIFER

Attorneys at Law
1735 Main Street
P.O. Box 217
Tazewell, Tennessee 37879
Ph. 423-626-7223 • Fax 423-626-8833
Email: staniferattys@yahoo.com

William R. Stanifer
1926 - 2006

Beall Medical Clinic
1570 N. Broad Street
Tazewell, TN 37879

July 12, 2019

Greetings,

Please be advised as city attorney for the City of Tazewell we have been put on notice of your attempt to operate a business that is contrary to our zoning ordinance.

I have enclosed a copy of Ordinance 305 that sets forth, that a pain management and/or drug rehabilitation clinic or facility must be located in a M-1 designated area; therefore, please provide an immediate response as to your approval through the planning commission and your appropriate certificates from the State of Tennessee and any other licenses required for your operation.

Please note that you are within two (2) establishments that sells alcoholic beverages that is located in the business park that you are attempting to operate from.

Be further advised that you are also within one thousand (1000) feet of the residence and business zoning district.

Therefore, as a result of the complaints the City of Tazewell has received, I am asking you to produce any documents, licenses or approvals issued to allow you to conduct the business at your present location.

Therefore, this is your formal notice to cease and desist unless you are in compliance with the ordinances of the City of Tazewell and if not an appropriate action will be taken after ten (10) days, which is a reasonable length of time for you to produce what would allow you to conduct the business as you currently are.

I appreciate your anticipated cooperation and look forward to hearing from you or your attorney; otherwise, we expect your compliance or we will seek whatever legal remedies are available to protect the ordinances of the City of Tazewell, to whom we expect all businesses to comply with.

Sincerely yours,

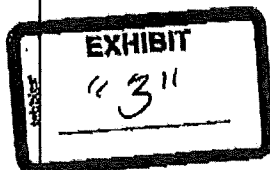
STANIFER & STANIFER

David H. Stanifer

DHS/js

ENCLOSURE

cc: City of Tazewell



Served: Angela Surber

7-12-19

@ 15:56

Witnessed Service
Jennifer Myers
Angela Surber

